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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,441	10/16/2000	Bayard S. Webb	0112300/141	1896
29159	7590	09/25/2007	EXAMINER	
BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			MCCULLOCH JR, WILLIAM H	
		ART UNIT	PAPER NUMBER	
		3714		
		NOTIFICATION DATE	DELIVERY MODE	
		09/25/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/688,441	WEBB ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	William H. McCulloch Jr.	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 and 20-38 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 29-38 is/are allowed.
- 6) Claim(s) 1-18 and 20-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This action is in response to amendments received 7/2/2007. Claims 1-18 and 20-38 are pending in the application, with claims 1, 2, 13, 24, and 29 currently amended.

### ***Allowable Subject Matter***

2. Claims 29-38 were previously indicated allowable. Such position is maintained herein.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: the claim recites, "at least one of the plurality of items," but should probably recite, "at least one of the plurality of items". Appropriate correction is required.
4. Claim 13 is objected to because of the following informalities: the claim recites, "at least of said assigned items," but should probably recite, "at least one of said assigned items". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 1 (and claims depending therefrom) is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites both "at least one display device" and "a display device". Claim 1 further recites "the at least one display device". It is ambiguous as to whether each of these recited display

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devices is separate or whether they all refer to the same device. Additionally, there is insufficient antecedent basis for the term "the at least one display device" because of the above ambiguity. Appropriate correction is required. For the purposes of this action, the claim will be interpreted such that all recitations of a display device refer to the same device.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-19 and 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,572,471 to Bennett (hereinafter Bennett).

Regarding claims 1, 13, and 24, Bennett teaches a game device comprising: at least one display device operable to display a game resulting from a wager (e.g., display means 11 in at least 3:29-44); said game including a plurality of symbols (prize value symbols, see at least figs. 2-5 and descriptions thereof) and a plurality of independent rounds (independent rounds are taught by Bennett in e.g., the embodiment comprising bonus games or the playing of multiple 'games' of Bennett's device; see at least 1:56-67 and 3:51-58); at least one input device operable to enable a player to select one of said symbols in each of the independent rounds of play of the game

(player selection means, see at least 3:29-43); a display device operable for displaying said plurality of symbols (game display means 11, see *Id.*); and a controller configured to operate with the at least one display device and the at least one input device for the play of the game: to randomly determine for each of a plurality of said independent rounds whether to assign at least one of a plurality of items to at least one, a plurality of or all of the plurality of symbols, wherein said determination for each round is independent of said other rounds (control program implemented on game control processor circuits, see at least 3:24-28 and 4:33-53), and upon said determination being made, for each of said items, to assign said item to one of said symbols, to a plurality of said symbols or to all of said symbols (see *Id.*), to enable the player to select one of the symbols in each of the rounds, and to provide an award to the player for each of said rounds if said player selects one of the symbols having at least one of said assigned items in said round (see at least 4:15-29). Claims 13 and 24 are directed toward methods that are substantially encompassed by the teachings of Bennett as applied to the limitations of the device embodiment of claim 1.

Regarding claim 2, Bennett teaches that the at least one of the plurality of items may be assigned to a plurality of symbols in each round. Figure 9, for example, shows that a \$1 item may be assigned to multiple symbols.

Regarding claim 3, the examiner interprets recitation of "table" as a data structure implemented by the gaming device that contains the possible items that may be assigned to the symbols. Bennett teaches such in at least 4:33-53.

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Regarding claim 4, the examiner reiterates the above interpretation of "table".

Furthermore, figure 9 of Bennett shows that at least one item (e.g. \$1 item) is adapted to be randomly selected more often than at least one other item (e.g. \$1000 item).

Regarding claims 5-6, the examiner interprets the recitation of "a table of numbers" as a data structure implemented by the gaming device to dictate the number of rounds that a player may play the game. Bennett teaches such in at least a predetermined number of free games in 2:39-41.

Regarding claim 7-8, the examiner interprets the recitation of "a plurality of tables of numbers" as a collection of numbers, substantially similar to the interpretation applied in claims 3-6.

Regarding claims 9-10, Bennett teaches a quantity of tables of numbers (using the interpretation of claims 7-8) that equal the quantity of symbols in a round for a given choice of the number of symbols provided to the player (see at least 1:56-67).

Regarding claim 11, the examiner reiterates the interpretation of "table" described above in regard to claim 3. Bennett teaches such in relation to figure 9, wherein the randomly selectable prizes correspond to the randomly selectable items.

Regarding claim 12, the randomly selectable prizes correspond to the randomly selectable items and at least one of the prizes (e.g. \$1 prize) is adapted to be randomly selected more often than at least one other prize (e.g. \$1000 prize).

Regarding claims 14 and 17, Bennett teaches such in at least a predetermined number of free games in 2:39-41.

Regarding claim 15, 16, and 18, Bennett teaches different percentage of symbols is associated with different probabilities determining the assignment of the item to the symbols in the plurality of rounds to be played (see at least figs. 6 and 10 and 2:1-31).

Regarding claims 20-21, the claims are directed toward repeating the steps of claim 13 until the player selects a number of times equal to (1) a selected number of rounds, said selected number being associated with a percentage of symbols that have an assigned item, or (2) a sum of a plurality of selected numbers, said selected numbers of rounds each being associated with a different percentage of symbols that have an assigned item. Bennett teaches such in at least abstract, 2:39-41, and 4:15-29.

Regarding claim 22, Bennett teaches revealing that a symbol has been assigned an item when a player selects said symbol having said assigned item (see at least 3:29-43).

Regarding claim 23, Bennett teaches the step of revealing all of the symbols that were assigned an item when a player selects one of the symbols that was not assigned said item (see at least 3:63-4:11).

Regarding claims 25-27, Bennett teaches a step of selecting a prize, a step of providing the prize to the player if the player chooses a symbol having said assigned item, and a step of revealing that a symbol has an assigned item when said player selects a symbol having said assigned item (see explanation of claims 1, 11-13, 22, and 24 above).

Regarding claim 28, Bennett teaches the step of revealing that all symbols having an assigned item indeed have said assigned item when said player selects a symbol not having an assigned item (see at least 3:63-4:11).

***Response to Arguments***

9. Applicant's arguments filed 7/2/2007 have been fully considered but they are not persuasive.

On pages 12-13 of the response, Applicant contends that amended claims 1, 13, and 24 are patentable over the cited prior art of Bennett because Bennett allegedly does not disclose a plurality of independent rounds in the game wherein the determination for each round is independent of the other rounds. The Examiner disagrees. As described in the rejection above, Bennett allows for one embodiment in which the overarching game method is presented in a bonus game or feature game (see at least 3:51-58). Each of these bonus or feature games represents an "independent round" of the game, as recited in Applicants' claims. Each of Bennett's base games requires the player to input a wager in order to initiate the game (see *Id.*) Therefore, because each independent round of Bennett comprises its own distinct assignment of items and symbols, Bennett anticipates the instant claims.

Though not exclusively relied upon for this rejection, the Examiner notes that playing Bennett's game method (non-bonus game format) multiple times in succession also anticipates the instant claims.

In view of the above arguments, the rejection is deemed proper.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is 571-272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.  
Examiner  
Art Unit 3714  
9/17/2007

wm



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